



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

**To:** Monroe County Planning Commission

**From:** Mitchell N. Harvey, AICP  
Comprehensive Planning Manager

**Date:** May 14, 2010

**Subject:** Request for an Amendment to the Monroe County 2010 Comprehensive Plan, Creating Goal 107, which establishes a Sub Area Policy, together with Objective 107.1 and Policy 107.1.1 which establishes a Sub Area Policy for Wisteria Island within a Mixed Use Commercial (MC) Future Land Use Map (FLUM) designation.

**Meeting:** May 25, 2010

#### I REQUEST

This is a request by FEB Corporation to amend the Monroe County 2010 Comprehensive Plan, creating Goal 107, Objective 107.1 and Policy 107.1.1 that establishes a Sub Area Policy that will direct future growth and development within the subject property known as Wisteria Island (aka, Christmas Tree Island) and the surrounding waters of the island. This request includes a corresponding Future Land Use Map Amendment from Undesignated to Mixed Use Commercial (MC) that should not be approved without this Sub Area Policy.



1 Wisteria Island is an approximately 20-acre unincorporated spoil island located approximately 500  
2 feet north of Sunset Key within Key West harbor and west of the City of Key West. The property  
3 owners also own submerged lands surrounding the island.

4  
5 Address: N/A

6  
7 Real Estate Numbers: All of RE 000123950-000000

8  
9 Legal Description: A parcel of Bay Bottom Land and Spoil Island of Key West, Florida,  
10 and more particularly described as follows:  
11 Commencing at the Northwesterly end of Simonton Street at the  
12 intersection of the Southwesterly end right-of-way line of Simonton  
13 Street and the waters of the Bay of Florida, run north 60 degrees  
14 west for a distance of 2,150 feet, more or less, to the point of  
15 beginning of the property, hereinafter described. From said point of  
16 beginning, continue north 30 degrees East for a distance of 1,700  
17 feet; thence run South 60 degrees East for a distance of 1,000 feet;  
18 thence run South 30 degrees West fir a distance of 1,700 feet back to  
19 the point of beginning.  
20  
21

## 22 **II PROCESS**

23 Comprehensive Plan Amendments may be proposed by the Board of County Commissioners  
24 (BOCC), the Planning Commission, the Director of Planning, or the owner or other person  
25 having a contractual interest in property to be affected by a proposed amendment. The  
26 Director of Planning shall review and process applications as they are received and pass them  
27 onto the Development Review Committee (DRC) and the Planning Commission.

28  
29 The Planning Commission shall hold at least one public hearing. The Planning Commission  
30 shall review the application, the reports and recommendations of the Department of Planning  
31 & Environmental Resources and the Development Review Committee and the testimony given  
32 at the public hearing. The Planning Commission shall submit its recommendations and  
33 findings to the Board of County Commissioners (BOCC). The BOCC holds a public hearing  
34 to consider the transmittal of the proposed comprehensive plan amendment, and considers the  
35 staff report, staff recommendation, and the testimony given at the public hearing. The BOCC  
36 may or may not recommend transmittal to the Florida Department of Community Affairs  
37 (DCA). The amendment is transmitted to DCA, which then reviews the proposal and sends its  
38 Objections Recommendations and Comments (ORC) report to Monroe County. The BOCC  
39 holds an adoption hearing within sixty days of the ORC report and decides whether to adopt,  
40 adopt with changes, or not adopt the amendment.

41  
42 This amendment is unique in that it is in close proximity to the City of Key West and to  
43 encourage intergovernmental coordination and maximize public input, Monroe County staff  
44 worked cooperatively to include the City of Key West Development Review Committee in the  
45 review process. While the City of Key West is not an approving agency, certain infrastructure  
46 provisions will be necessary for development of the island; therefore, coordination efforts were  
47 implemented  
48

### III OVERLAY DISTRICT INFORMATION

Wisteria Island has no FLUM designation. The applicant initially requested a future land use map amendment for Wisteria Island of Mixed Use Commercial (MC). Because the island is adjacent to Sunset Key and the City of Key West, whose future land use categories and existing development are similar to the requested future land use designation, Monroe County staff, in coordination with the Department of Community Affairs worked with the applicant to develop a corresponding sub-area policy, similar to an overlay district for the island.

The purpose of the proposed Sub Area Policy is to restrict the maximum development potential of Wisteria Island, which would be allowed by the applicant's original request for a Mixed Use Commercial (MC) FLUM designation, by creating policy language in the form of a Comprehensive Plan Future Land Use Element text amendment. This Sub Area Policy will guide the development of this spoil island, which contains limited environmentally sensitive areas, by the enactment of area-specific regulations that allow development to occur subject to limitations and conditions designed to protect existing natural resources.

These proposed Sub Area Goal, Objective and Policies identify parcels of land that require narrowly-tailored regulation in order to limit development potential to an area or extent less than the maximum density and intensity allowed by the future land use category requested by the applicant. The recommended development parameters established for each Sub Area shall be based either on an inventory of uses and facilities established on the parcel or by data and analysis supporting the specific Sub Area limitations.

### IV CONSISTENCY WITH THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN, THE FLORIDA ADMINISTRATIVE CODE, AND PRINCIPLES FOR GUIDING DEVELOPMENT

A. The proposed amendment is consistent with the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment furthers:

1. Goal 101 of the Monroe County Year 2010 Comprehensive Plan considers the health and safety of people and protection of natural resources.
2. Goal 105 of the Monroe County Year 2010 Comprehensive Plan recognizes the finite capacity for land development while balancing development with the natural environment and provides a framework for future development and land acquisition for the next 20 years.
3. Goal 202 of the Monroe County Year 2010 Comprehensive Plan requires that the environmental quality of Monroe County's estuaries, nearshore waters (canals, harbors, bays, lakes and tidal streams,) and associated marine resources shall be maintained and, where possible, enhanced.
4. Goal 203 of the Monroe County Year 2010 Comprehensive Plan promotes the protection and enhancement of the health and integrity of living marine resources and marine habitat, including mangroves, seagrasses, coral reefs and fisheries.

- 1           5. Goal 204 of the Monroe County Year 2010 Comprehensive Plan protects and  
2           enhances the health and integrity of Monroe County's marine and freshwater  
3           wetlands.
- 4
- 5           6. Goal 205 of the Monroe County Year 2010 Comprehensive Plan promotes the  
6           protection and enhancement of the health and integrity of Monroe County's native  
7           upland vegetation.
- 8
- 9           7. Goal 207 of the Monroe County 2010 Comprehensive Plan protects and conserves  
10          existing wildlife and wildlife habitats.
- 11
- 12          8. Goal 212 requires Monroe County to prioritize shoreline land uses and establish  
13          criteria for shoreline development in order to preserve and enhance coastal  
14          resources and to ensure the continued economic viability of the County.
- 15
- 16   B. The proposed amendment is consistent with the Florida Administration Code (F.A.C.),  
17      Chapter 9J-5. Specifically, the amendment furthers:  
18
- 19          1. 9J-5.006(3)(b)4 F.A.C. ensures the protection of natural resources and historic  
20          resources.
- 21
- 22          2. 9J-5.0012(3)(b)1 F.A.C. protects, conserve, or enhance remaining coastal wetlands,  
23          living marine resources, coastal barriers, and wildlife habitat.
- 24
- 25          3. 9J-5.0013(2)(c)3 F.A.C. protects native vegetative communities from destruction by  
26          development activities.
- 27
- 28          4. 9J-5.0013(2)(c)5 F.A.C. restricts activities known to adversely affect the survival of  
29          endangered and threatened wildlife.
- 30
- 31          5. 9J-5.0013(2)(c)6 F.A.C. protects conservation of the natural functions of existing soils,  
32          fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including  
33          estuarine marshes, freshwater beaches and shores, and marine habitats.
- 34
- 35          6. 9J-5.0013(3)(b) F.A.C. directs development away from wetlands by using land use  
36          factors such as type, intensity or density, extent, distribution and location of allowable  
37          land uses and the types, values, functions, sizes, conditions and locations of wetlands.
- 38
- 39   C. The amendment is Consistent with the Principles for Guiding Development in the Florida  
40      Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7)  
41
- 42          For the purposes of reviewing consistency of the adopted plan or any amendments  
43          to that plan with the principles for guiding development and any amendments to the  
44          principles, the principles shall be construed as a whole and no specific provision  
45          shall be construed or applied in isolation from the other provisions.
- 46          (a). To strengthen local government capabilities for managing land use and  
47          development so that local government is able to achieve these objectives  
48          without the continuation of the area of critical state concern designation.

- (b). To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c). To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d). To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e). To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f). To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (g). To protect the historical heritage of the Florida Keys.
- (h). To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
1. The Florida Keys Aqueduct and water supply facilities;
  2. Sewage collection and disposal facilities;
  3. Solid waste collection and disposal facilities;
  4. Key West Naval Air Station and other military facilities;
  5. Transportation facilities;
  6. Federal parks, wildlife refuges, and marine sanctuaries;
  7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
  8. City electric service and the Florida Keys Electric Co-op; and
  9. Other utilities, as appropriate.
- (i). To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (j). To make available adequate affordable housing for all sectors of the population of the Florida Keys.
- (k). To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (l). To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Pursuant to Chapter 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

## **V ANALYSIS OF PROPOSED REQUEST – DENSITIES AND INTENSITIES AND COMPATABILITY WITH ADJACENT DEVELOPMENT**

1 Wisteria Island currently has no future land use designation within Monroe County, nor was it  
2 included on the initial Tier Maps adopted by Monroe County. Wisteria Island has a Land Use  
3 District (zoning) designation of Offshore Island. Offshore Island permits 1 unit per 10 gross  
4 acres. The acreage of the Island is 21.35 acres. Therefore, the current maximum number of  
5 units permitted is 2.  
6

7 A corresponding application has been submitted by the applicant for a Mixed Use Commercial  
8 (MC) Future Land Use Map (FLUM) designation. After review of the applicant's initial  
9 request, County staff recommended that the applicant request a Sub Area Policy similar to an  
10 overlay district to provide alternative maximum densities and intensities consistent with the  
11 adjacent island, known as Sunset Key, within the jurisdiction of Key West. The following  
12 tables provide a comparison of densities and intensities approved for Sunset Key and proposed  
13 for Wisteria Island, under the Sub Area Policy.  
14

#### 15 **COMPATIBILITY ANALYSIS:**

16 Exhibit A is an aerial that illustrates the existing land uses within the surrounding area of  
17 Wisteria Island, which includes Sunset Key and the Key West mainland.  
18

#### 19 **Key West Approval of Sunset Key - Maximum Development Parameters**

20 Land Area: 27 gross acres (1,176,120 square feet)

21 Total Floor Area Ratio (FAR) Maximum: 0.201 (or 236,947 square feet total) or if they  
22 transfer in residential units from the mainland permitted development Floor Area Ratio  
23 Maximum is: 0.21 (or 251,947 square feet total)

24 Restaurant/Bar Commercial Floor Area Ratio (FAR) Maximum: .009 (NOTE: Outdoor  
25 seating does not appear to constitute commercial square footage) Residential Density:  
26 Between 4.01 – 4.52 units per acre

27 Residential (door) Keys: Between 1.48-2.44 keys per acre (NOTE: Key West did not  
28 allocate transient units within their Code consistent with Monroe County)  
29  
30

Use	Max Square foot	Max Square foot if transfer from Mainland permitted	Total Number of Units Permitted	Total Number of Units Permitted if transfer from Mainland permitted	# of moorings
<b>TOTAL Acreage/Sq. Ft. of island</b>	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	27 (1,176,120 sq. ft)	
General Commercial (Restaurant/Bar)	10,000 sq.ft. (90 indoor seats) (120 outdoor seats)	10,000 sq.ft. (90 indoor seats)(120 outdoor seats)			
Hotel/Transient Units	56,000 sq.ft	56,000 sq. ft	40 units (40 keys)	40 units (66 keys)	
Residential Units	170,947 sq. ft.	185,947 sq. ft.	70 units	82 units	
TOTAL Square footage/Units/ Keys	236,947 sq. ft.	251,947 sq. ft	110 units (40 keys)	122 units (66 keys)	
FAR Max	0.201 (236,947/1,176,120)	0.21 (251,947/1,176,120)			
Commercial FAR Max	.009				
Density Max			4.01 units per acre (1.48 keys per acre)	4.52 unit per acre (2.44 keys per acre)	
Moorings around Sunset Key					12

#### Additional Conditions:

##### **Parking** for Island uses on mainland

Undetermined, development agreement included other major comprehensive development within the City of Key West and was analyzed on an overall parking analysis

**Public Open Recreation Space** with access to the public to include a sand beach at least 900 feet long and above mean high waterline, served by public restroom facilities (1)

**Fire and Police** to review the site plans for Sunset Key Island and provide service provisions during site approval process.

**Wind loads of 155 miles per hour or greater**, as certified by a qualified engineer shall be used as design minimums for 49 dwelling units (it was not clear which units there were to be) that were added under amendment 11 of the development agreement.

**Shoreline Setback** for dwelling units on Sunset Key island to be 50'

Access to the Public means: general public is provided convenient access over and across privately owned property subject to such reasonable rules and regulations as the owner of the property may impose governing conduct, dress, noise, consumption of alcoholic beverages, hours that the property shall be open, vehicular traffic and commercial activities; provided that such rules and regulations shall be applied and enforced without discrimination on the basis of race, religion, color, creed or sexual preference. The Developer may charge a reasonable fee for access to recreational areas on Sunset Key, as well as to exhibits and events. The property owner may restrict or control access to hotel facilities that are customarily limited to guests and to residential areas customarily reserved for residents. The Developer agrees that within the five (5) year term of the Development Agreement, provision will be made to assure the permanence of the public access.

# **Wisteria Island Maximum Development Parameters**

- Land Area: 21.35 gross acres (930,006 square feet)
  - Total Floor Area Ratio (FAR) Maximum: 0.222 (or 176,000 square feet total)
  - Residential Density: 3.51 units per acre      - Residential Keys: Between 3.98 keys per acre\*
- \***NOTE:** Key West does not allocate transient units within their Code consistent with Monroe County

Use	Max Square foot	Max Square foot if transfer from Mainland permitted	Total Number of Units Permitted	Total Number of Units Permitted if transfer from Mainland permitted	# of moorings
<b>TOTAL Acreage/Sq. Ft. of island</b>	21.35 gross acres (930,006 square feet)	NA	21.35 gross acres (930,006 square feet)	NA	
General Commercial (Restaurant/Bar) (ShipStore/Harbormaster)	10,000 sq.ft 29,500 sq.ft	NA		NA	
Hotel/Transient Units		NA	35 (85 rooms)	NA	
Residential Units		NA	35	NA	
Affordable Housing Units (workforce)		NA	5	NA	
TOTAL Square footage/Units/Keys		NA	75 (85 rooms)	NA	
Restaurant/Bar FAR Max Total General Commercial FAR Max	.01 (10,000/930,006) .042 (39,500/930,006)	NA		NA	
Density Max		NA	3.51 units per acre (3.98 rooms-keys per acre)	NA	
Moorings around Wisteria Island Dock Spaces		NA		NA	100 55

## **Additional Conditions:**

**Parking** for Island uses on mainland

Undetermined – Boat Taxi service anticipated – Mainland facilities to be addressed in Major Conditional Use

**Public Open Recreation Space** with access to the public to include 2 acre site, served by public restroom facilities with control by island owners (1)

**Fire Protection** - Sprinklered buildings required due to difficulty in fire protection

**Hurricane Evacuation** – units to be transferred to island from mainland, forever removing those units from inventory on mainland, resulting in no increase of hurricane evacuation clearance times.

**Police** - TBD

**Wind loads of 155 miles per hour or greater**, as certified by a qualified engineer shall be used as design minimums for 49 dwelling units (it was not clear which units there were to be) that were added under amendment 11 of the development agreement.

**Shoreline Setback** for dwelling units to be determined through Major Conditional Use



Access to the Public means: general public is provided convenient access over and across privately owned property subject to such reasonable rules and regulations as the owner of the property may impose governing conduct, dress, noise, consumption of alcoholic beverages, hours that the property shall be open, traffic and commercial activities. The Developer may charge a reasonable fee for access to recreational areas. The property owner may restrict or control access to hotel facilities that are customarily limited to guests and to residential areas customarily reserved for residents. Public access shall be assured through easement recorded in public records.

## **DENSITY/INTENSITY ANALYSIS:**

A comparison of the maximum density/intensity permitted under the Mixed Use Commercial (MC) Future Land Use Map (FLUM) designation compared to the maximum density/intensity permitted under the proposed Sub Area Policy is demonstrated in the follow table. (MC density and intensity is cumulative, while the proposed Sub Area Policy density and intensity is non-cumulative)

MC FLUM allows an allocated density up to 6 dwelling units per acre for market rate units and a maximum net density of up to 18 dwelling units per buildable acre (total acres minus 20% open space requirement) for affordable housing. MU also allows a non residential FAR of 0.45. Density and intensity for the Wisteria Sub-Area is calculated non-cumulatively. Therefore, utilizing the total Wisteria Island upland area of 21.35 acres (930,006 sq.ft.) and a buildable area of 17.08 acres, the MC FLUM would allow a maximum of 128 market rate units, or 307 affordable units, or and 418,502 sq.ft. of non-residential floor area.

MC MAXIMUMS	MC With Sub Area Policy	Difference between MC FLUM designation and MC with proposed Sub Area Policy
128 units (allocated)	70 (35 market rate/35 transient) units	- 58 units
307 affordable units (Max Net)	5 affordable units	- 302 affordable
418,502 sq.ft. (Max Commercial)	39,500 sq.ft. (Max Commercial)	- 379,002 sq.ft.

## **VI MOORING FIELD AND RELATED FACILITIES**

The waters surrounding Wisteria Island contain vessels and floating structures anchored throughout the waters in a manner that may pose a threat to the health and viability of the water quality and bay bottom. In 2002, Monroe County published **Keys-Wide Mooring Field System** which indicated the area surrounding Wisteria Island was the “largest and most problematic anchorage in the Keys and found that “this enormous anchorage ground is truly out of hand. The area is in dire need of management and enforcement of regulations.”

The applicant for this Sub Area Policy and corresponding Future Land Use Map Amendment (FLUM) has proposed the construction of a 100± slip public access mooring field. The mooring field would provide a benefit to the public and the environment.

The proposed Sub Area Policy for Wisteria Island requires:

1. A proposed 100± slip public access mooring field and a staff recommended 2 acre public recreation space with associated upland development including:
  - a. Fixed and mobile vessel pump-out services. Such services shall be provided to vessels using the public access mooring field;
  - b. Docking facilities, to be approved by Planning Director, include: a water taxi dock, a service vessel dock, a dinghy dock and a maximum of 55 wet slips (20 public short term slips for utilization of the upland development [e.g. restaurant, bar, hotel], 35 private) with no dry storage, pending agency approval and permitting and dockside utilities;
  - c. Harbor master building;
  - d. Ships/ sundry store;
  - e. Potable water, wastewater, and fire prevention and suppression system necessary to service the uses permitted as of right, as well as those permitted by minor conditional use and major conditional use; and
  - f. Water taxi service to Wisteria. Water taxi shall be available to be used to transport fire suppression/emergency medical personnel and equipment to the island when requested.

Staff recommends the public-access mooring field shall adhere to the following requirements:

- a. Provide for the recreational boating public by reserving 10 percent of the mooring slips to be set aside on a first come-first serve basis for short term mooring;
  - b. Have no restriction on vessel size which might limit the use by small vessels;
  - c. Prohibit floating structures;
  - d. Require all vessels to have a functioning marine sanitation device and holding tank that meets current Florida Keys National Marine Sanctuary (FKNMS) federal requirements for the No Discharge Zone.
  - e. The mooring field is to be constructed AND ISSUED a Certificate of Completeness within the waters surrounding Wisteria Island PRIOR TO the construction of other upland development including the items below.
2. Bar, Restaurant ( $\leq$  10,000 sq. ft. permitted by Minor Conditional Use;  $>$  10,000 sq. ft. permitted by Major Conditional Use) & Pool; and
3. Other Upland Development to be permitted only through a Major Conditional Use Approval including:
  - a. 35 Single-family
  - b. 5 Affordable/employee residential dwellings
  - c. 35 Transient residential with the total number of bedrooms not to exceed 85
  - d. Commercial recreational uses to serve as support and amenities for a public access mooring field in adjacent waters; and
  - e. Accessory uses.

This mooring field can only be developed as a result of a submerged land swap with the State of Florida. The proposed Sub Area Policy and associated MU FLUM designation will allow the development of upland uses that support the proposed public access mooring field. No approvals for upland development on Wisteria Island will be granted until the proposed

1 mooring field is approved by the State of Florida and the mooring system is installed and  
2 issued a certificate of completeness.  
3

## 4 **VII ENVIRONMENTAL ANALYSIS**

5 The amendment for Wisteria Island was reviewed for consistency with relevant Monroe  
6 County Comprehensive Plan environmental goals, objectives and policies as well as  
7 conformity with related Land Development Codes. The following analysis is based on the  
8 information provided by the applicant and due to the absence of specific development plans  
9 is general in nature.  
10

11 Although the applicant asserts that there is no future land use designation for the subject  
12 parcel, Sec 101-2.(13) e. of the Land Development Code states “ *All keys or islands*  
13 *without a specific land use designation shall be considered zoned as off-shore islands*  
14 *whether they are labeled as (OS) OFF-SHORE ISLANDS, unlabeled, not shown on these*  
15 *maps, or lie beyond the areas covered by these maps*”. Therefore the following analysis is  
16 based on an OS land use (zoning) designation for the subject parcel. This is a land  
17 development code policy and is not a comprehensive plan policy. The Future Land Use  
18 Map does not include a Future Land Use designation for this island.  
19

20 Comprehensive Plan Policy 101.4.22 states in part that “*All development shall be subject to*  
21 *clearing limits defined by habitat and the location of the property in the Land Use District*  
22 *(zoning) Overlay Tier Maps and the wetland requirements in Policy 102.1.1*”.  
23

24 Undeveloped offshore islands are Tier I in accordance with Policy 102.7.3, therefore  
25 Wisteria Island would be a Tier I property. The wetland protection requirements of Policy  
26 102.1.1 state in part that the open space requirement for mangroves undisturbed salt marsh  
27 and buttonwood wetlands is 100%. While the applicant states that the buttonwood  
28 community is disturbed “*by definition*” by virtue of being on a spoil island and accurately  
29 quotes the Land Development Code definition of disturbance, the application provides no  
30 information to determine if the on-site communities meet this definition of disturbed.  
31 Regardless of the degree (or lack) of disturbance present, Objective 102.1 of the  
32 Comprehensive Plan, requires new development to comply with environmental standards  
33 and environmental design criteria which will protect disturbed wetlands, native upland  
34 vegetation and beach/berm areas. This objective is supported by the previously discussed  
35 Policy 102.1.1. In addition, Policy 102.2.1 requires no net loss of disturbed wetlands,  
36 requiring on-site mitigation or off-site mitigation through contribution to the environmental  
37 restoration fund.  
38

39 **While the application does not specify any proposed development plans, it should be**  
40 **noted that Policy 102.7.2 is intended to further restrict the activities permitted on**  
41 **offshore islands, if applicable to the island as defined within the policy.**  
42

### 43 **Policy 102.7.2 states:**

44 These shall include the following:

- 45 1. Development shall be prohibited on offshore islands (including spoil islands) which have  
46 been documented as an established bird rookery or nesting area (See Conservation and  
47 Coastal Management Policy 207.1.3.);
- 48 2. Campgrounds and marinas shall not be permitted on offshore islands;

3. New mining pits shall be prohibited on offshore islands;
4. Permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);
5. Temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;
6. The use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. Planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. Public facilities and services shall not be extended to offshore islands.

In accordance with the above discussed Comprehensive Plan policies, the Land Development Code contains the following regulations specific to offshore (OS) islands.

**Sec. 130-40. Purpose of the offshore island district (OS).**

The purpose of the OS district is to establish areas that are not connected to U.S. 1 as protected areas, while permitting low-intensity residential uses and campground spaces in upland areas that can be served by cisterns, generators and other self-contained facilities.

**Sec. 130-90. Offshore island district (OS).**

(a) The following uses are permitted as of right in the offshore island district:

- (1) Detached residential dwellings;
- (2) Camping, for the personal use of the owner of the property on a temporary basis;
- (3) Beekeeping;
- (4) Accessory uses;
- (5) Home occupations--Special use permit required;
- (6) Tourist housing uses that were established (and held valid state public lodging establishment licenses) prior to January 1, 1996. Vacation rental use, of a dwelling unit in existence as of January 1, 2000, if a special vacation rental permit is obtained under the regulations established in section 134-1;
- (7) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3); and
- (8) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6).

(b) The following is permitted as a minor conditional use in the offshore island district (OS), subject to the standards and procedures set forth in chapter 110, article III: satellite earth stations greater than or equal to two meters in diameter, as accessory uses, pursuant to section 146-5(6).

## STAFF ENVIRONMENTAL ANALYSIS

The applicant submitted an environmental analysis with the application which describes the existing habitats on Wisteria Island (Exhibit C). Staff Conducted a site review with the applicant's representatives on April 28, 2010. The existing habitat on Wisteria Island is consistent with the applicant submitted information and is dominated by disturbed upland communities (20.04 acres). Disturbed wetland communities constitute 1.31 acres if the site.

When reviewing the policy language of 102.7.2 the restrictions to development on offshore islands are specific to development being prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area. To date, no bird rookery or nesting area has been documented on Wisteria Island. Furthermore, while the Comprehensive Plan indicates offshore islands should be designated Tier I, this island was not included in the adoption of the Tier Maps and through the development of the policy language related to the Tier System, the Sub Area Policy currently recommends the island remain tierless and be ineligible to compete in the Residential Rate of Growth Ordinance. The Island does not include habitat communities that are consistent with Tier I or Tier IIIA criteria and therefore, is currently being recommended to remain tierless.

## VIII IMPACT ON PUBLIC FACILITIES AND SERVICES (CONCURRENCY)

Policy 1401.4.1 requires Monroe County to adopt Level of Service standards for the following public facility types: road, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. The LOS standards are established in the following sections of the Comprehensive Plan: Traffic Circulation, Policy 301.1.1; Potable Water, 701.1.1; Solid Waste, Policy 801.1.1; Sanitary Sewer, Policy 901.1.1; Drainage, Policy 1001.1.1; and Recreation and Open Space, Policy 1201.1.1. The following is a concurrency review for the proposed Sub Area Policy.

### 1. Traffic Circulation – Policy 301.1.1

*“For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The County shall maintain the level of service on County roads within five percent (5%) of LOS D. [9J-5.007(3)(c)]”*

Trip generation estimates are based on the closest categories to Mooring Field and categories matching the maximum. The ITE numbers were weighted to more closely represent the nearly closed system Wisteria Island represents.

The weighting system used reflects the occupancy approach itemized in the table below and internal trips using available knowledge and experience from the adjacent Sunset Key.

Total trips to and from Wisteria Island will increase by approximately 304 multi-modal trips per day if/when the maximum development potential is realized.

## 2. Mooring Field

The proposed mooring field will not increase transportation impacts. The mooring impacts already exist and therefore should be included in both the County's and the City's public facilities capacity assessment reports.

As part of the Florida Fish and Wildlife Conservation Commission Pilot Mooring Field Program, the property owner has begun monthly surveys of the moored vessels around Wisteria. Data for the March 2010 survey<sup>1</sup> has been fully processed and reveals there are 106 vessels currently moored, 65 of which are liveaboards. Formalizing and controlling the mooring of vessels around Wisteria Island should not create additional transportation impacts that have not already been included in the level of service calculations of both Monroe County and The City of Key West.

### Residential/ Transient:

Proposed dwelling units would be located on Wisteria Island, so all trips to and from the Island will be accommodated within multi-modal context, with the majority of trips likely to occur within the existing water taxi service currently operated by the managers of Sunset Key. The Sub-Area Policy requires residential and transient units to be transferred to Wisteria from other locations. Therefore, given that no new units will be created, no increase in overall trip generation will result County-wide; notwithstanding, there will be a relocation of trips from the current or previous location of the units to Wisteria Island. As previously mentioned the trips associated with the units, which were previously, presumably, primarily land based trips will become multi-modal trips spread across land and water with a variety of origination and departure points.

## 3. Non Residential:

The potential trip generating non-residential floor area is an allowance for a bar and restaurant. All access to the island will be by private boat or water taxi service. Parking for the private boaters is already accommodated and required dock-side in both the County and the City of Key West and therefore can be reasonably excluded from the land-based trip impacts.

## 4. Parking

Parking for Wisteria Island is expected to be accommodated within a parking structure at the Westin Marina. According to the applicant, this structure has excess capacity of approximately  $\pm 100$  spaces that can be associated with Wisteria.

The County's Development Review process requires traffic and parking studies is performed by licensed traffic engineers and reviewed and approved by the County's own traffic consultant at the time of development review. Any proposed development must meet the minimum parking requirements as determined by the LDRs and approved by the County. If the parking for Wisteria is accommodated within the City of Key West, all proper approvals (including any necessary City approvals) will be required at the time of development review.

<b>Population based on Occupancy Rates</b>				
<b>Use</b>	<b>No. of Units</b>	<b>People/ Unit</b>	<b>Occupancy rate</b>	<b>Total population</b>
SF	35.0	2.4 <sup>2</sup>	0.7 <sup>3</sup>	58.8
Transient	35.0	2.6 <sup>4</sup>	0.8 <sup>5</sup>	72.8
Affordable	5.0	2.4 <sup>6</sup>	1.0 <sup>7</sup>	12.0
Moorings	±100	1.5 <sup>8</sup>	0.3 <sup>9</sup>	45.0
Population Total				188.6

<b>Population – Maximum Occupancy</b>				
<b>Use</b>	<b>No. of Units</b>	<b>People/ Unit<sup>10</sup></b>	<b>Occupancy rate</b>	<b>Total population</b>
SF	35.0	2.4	1.0	84.0
Transient	35.0	2.6	1.0	91.0
Affordable	5.0	2.4	1.0	12.0
Moorings	±100	1.5	1.0	150.0
Population Total				337.0

<sup>1</sup>The applicant provided the March survey data sheet “Survey of Vessel Type Currently in the Area of Proposed Mooring” for Wisteria Island that they are collecting as part of the Pilot Mooring Field program requirements.

<sup>2</sup> Average owner-occupied household size in Key West, according to US Census – *per applicant*

<sup>3</sup> Occupancy in Key West per US Census data – *per applicant*

<sup>4</sup> Transient Occupancy in Key West per Mo. Co. TDC data – *per applicant*

<sup>5</sup> According to the applicant, average occupancies of transient units at Sunset Key is approximately 1.25 people per bedroom room

<sup>6</sup> Average owner-occupied household size in Key West, according to US Census – *per applicant*

<sup>7</sup> Applicant assumes employee housing occupancy at 100%

<sup>8</sup> Assumes 1.5 people per mooring (note: Live-aboards are not permitted on State Lands) – *per applicant*

<sup>9</sup> Based on average mooring ball occupancy rates provided by the Harbor Masters of the City Marina at Garrison Bight and Boot Key Harbor Marina – *per applicant*

<sup>10</sup> Assumptions are the same as “Population Based on Occupancy” table above

<b>Trip Generation</b>	<b>ITE # Land Use Classification</b>	<b>Amount</b>	<b>Trip Rate</b>	<b>Total Weighted Vehicle Trips per Day</b>
<b>Residential</b>				
Single Family	Residential Planned Unit Development (ITE Class No. 270)	35.0	7.5	55.1 <sup>11</sup>
Transient	All Suites Hotel (ITE Class No. 311)	35.0	6.2	45.5 <sup>12</sup>
Employee Housing	Apartment (ITE Class No. 220)	5.0	6.7	16.8 <sup>13</sup>
Residential Total				117.4
<b>Non-Residential</b>				
Restaurant	Quality Restaurant (ITE Class No. 931)	4,000.0	90.0	179.9 <sup>14</sup>
Bar	Drinking Place (ITE Class No. 936)	1,600.0	11.3	4.5 <sup>15</sup>
Harbor Master (acres)	Marina (ITE Class No. 420)	0.1	20.9	2.09
Non Residential Total				186.5
<b>Total Residential &amp; Non-Residential Trips<sup>16</sup></b>				<b>303.9</b>

<sup>1</sup>The applicant provided the March survey data sheet "Survey of Vessel Type Currently in the Area of Proposed Mooring" for Wisteria Island that they are collecting as part of the Pilot Mooring Field program requirements.

<sup>2</sup> Average owner-occupied household size in Key West, according to US Census – *per applicant*

<sup>3</sup> Occupancy in Key West per US Census data – *per applicant*

<sup>4</sup>Transient Occupancy in Key West per Mo. Co. TDC data – *per applicant*

<sup>11</sup> According to applicant experience at Sunset Key, less than 30% of the residents have a vehicle in Key West

<sup>13</sup> ITE studies are based on a mainland suburban environment. Given the closed system aspect of Wisteria, applicant anticipates off-island trips to be reduced by approximately 50%.

<sup>14</sup> Applicant cites experience at Sunset Key where approximately 50% of the restaurant trips are internal (i.e. guests of the resort and residents of the island constitute approximately 50% of the clientele of the restaurant and do not generate off-island trips

<sup>15</sup> Applicant cites experience at Sunset Key where approximately 75% of the bar trips are internal (i.e. guests of the resort and residents of the island constitute approximately 75% of the clientele of the bar and do not generate off-island trips

<sup>16</sup> Trips, per industry standards, constitute all trips whether they are by foot, bike, dinghy, private boat, water taxi, automobile, bus, etc. Therefore it is important to consider that the total number of trips can be reasonable expected to be multi-modal (i.e. spread among various types of transportation modes and various points of departure and arrival)



<sup>5</sup> According to the applicant, average occupancies of transient units at Sunset Key is approximately 1.25 people per bedroom room

<sup>6</sup> Average owner-occupied household size in Key West, according to US Census – *per applicant*

<sup>7</sup> Applicant assumes employee housing occupancy at 100%

Assumes 1.5 people per mooring (note: Live-aboards are not permitted on State Lands) – *per applicant*

<sup>1</sup> Based on average mooring ball occupancy rates provided by the Harbor Masters of the City Marina at Garrison Bight and Boot Key Harbor Marina – *per applicant*

<sup>1</sup> Assumptions are the same as “Population Based on Occupancy” table above

<sup>1</sup> According to applicant experience at Sunset Key, less than 30% of the residents have a vehicle in Key West

<sup>1</sup> According to the applicant, experience at Sunset Key demonstrates less than 30% of the guests come to the resort with a vehicle

It should be noted that the Sub Area policy includes a provision that would require the applicant/owner to obtain any and all necessary approvals for any physical facilities that are to be constructed within the jurisdiction of the City of Key West prior to any minor or

Coordination with Key West staff has been initiated to include a Key West Development Review Committee (DRC) review of the proposed Sub Area Policy language.

## 2. Potable Water – Policy 701.1.1

“Sufficient potable water from an approved and permitted source shall be available to satisfy the projected water needs of the proposed development or use. Approved and permitted sources shall include cisterns, wells, FCAA distribution systems, individual water condensation systems, and any other system that complies with state standards for potable water<sup>17</sup>.”

**Potable Water:** Policy 701.1.1 of the County Comp Plan sets the level of service for residential potable water at 66.5 gal/capita/day and nonresidential at 0.35 gal/sq.ft./day.

When calculating the potential potable water needs, the maximum occupancy was used. If Wisteria is at capacity for even one day sometime in the future, the potable water infrastructure should have the capacity to meet the maximum need.

### **Total Potential Capacity Required: 17,934 gal/day**

i) Potential Capacity Required (residential): 22,410.5 gal

The total capacity required for the residential use with 337 people is:

$$66.5 \text{ gal/capita/day} \times 337 \text{ people} = 22,410.5 \text{ gal/day}$$

ii) Potential Capacity Required (non-residential): 11,882.5 gal

The total capacity required for the nonresidential use on 33,950 sq. ft. is:

$$0.35 \text{ gal/sq. ft./day} \times 33,950 \text{ sq. ft.} = 11,882.5 \text{ gal/day}$$

The proposed map designation potentially results in a daily potable water usage of 34,293 gal/day.

<sup>17</sup> Monroe County Code of Ordinances, Sec. 114-2(a)(3)

1 Connection to the FKAA potable water system should be made. As demonstrated  
2 below, the FKAA system has available capacity to accommodate the predicted level of  
3 service that could result from the map designation. Any transmission capacity upgrades  
4 necessary to serve potential development should be addressed during the development  
5 approval process as required by the County's Comprehensive Plan and Land  
6 Development Regulations. In addition, a policy has been included in the Sub Area  
7 policy that all necessary infrastructure costs will be fully paid for by the  
8 owner/applicant.  
9

10 The Florida Keys Aqueduct Authority has the capacity to supply adequate service to  
11 this property as a result of a revised water use permit and the reverse osmosis ( R.O.)  
12 expansion at the Florida City plant.  
13

14 FKAA has obtained all necessary permits and is in the process of constructing facilities  
15 on the mainland in Florida City to expand water supply for the Florida Keys. This  
16 permitted and under construction improvement will enable FKAA to provide over 23  
17 MGD by July 2010, which will provide sufficient capacity through 2022<sup>18</sup>. Once  
18 operational in 2010, a permitted expansion of the R.O. plant will provide 6.0 MGD,  
19 which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer,  
20 will increase available water supply to 23 MGD for the Florida Keys.  
21

22 *Expanded Florida City R.O. Plant.* The Department of Health issued Permit # 150092-  
23 007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an  
24 expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant  
25 will be designed to treat blended Floridan Aquifer water as an alternative water source  
26 to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6  
27 MGD.  
28

29 *Revised Water Use Permit.* The SFWMD issued revised Water Use Permit (WUP) #13-  
30 00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended  
31 Floridan Aquifer capacity that will be provided by the expanded R.O. plant. Interim  
32 Water Use Allocations in the WUP permit provide FKAA with an allocation of 17.00  
33 MGD (dry season) and 17.79 MGD (wet season) which may be withdrawn from the  
34 Biscayne Aquifer and allows FKAA to utilize the Stock Island and Marathon Reverse  
35 Osmosis plants for any demands exceeding the interim withdrawal limit, pending  
36 completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O.  
37 plants have a combined capacity of 3.0 MGD providing an interim WUP water supply  
38 of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant  
39 will provide an additional 6.0 MGD, which when combined with the 17.0 MGD  
40 permitted withdrawal from the Biscayne Aquifer, will increase available water supply  
41 to 23 MGD for the Florida Keys.  
42

43 **The interim allocation of 20 MGD (7300 MG/year) through 2010 and 23 MGD**  
44 **after 2010 provides ample water supply to support the adopted amendment and**  
45 **allocated growth well beyond 10 years.** The "Monroe County 2007 Annual Public  
46 Facilities Report" documents historic water use in the Florida Keys. Water demand has

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<sup>18</sup> Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.) August 22, 2008.

1 fluctuated significantly on an annual basis, however when evaluated over a ten-year  
2 period, the data shows an increase in water demand of more than 1 billion gallons over  
3 the last 10 years with an annual average increase of approximately 104 MG/year. This  
4 increase in demand can be shown in the following calculation:

5  
6 1996 annual water demand = 5,272 MG/year

7 2006 annual water demand = 6,310 MG/year

8  
9 Average Annual Increase =  $(6,310 \text{ MG} - 5,272 \text{ MG}) / 10 = 103.8 \text{ MG/year}$

10  
11 Based on the average annual increase of 103.8 MG per year, the interim allocation  
12 would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015  
13 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year).  
14 Upon completion of the Florida City facilities, the 23 MGD allocation would be  
15 available to support yet another 9.5 years of growth. Based on these findings, sufficient  
16 permitted water supply is available to meet the needs of the Florida Keys through 2024.

17  
18 *Improvements Schedule/Status.* Condition 30 of the WUP provides the following time  
19 schedule for construction of the R.O. plant and the associated Floridian deep wells that  
20 will provide 23 MGD of capacity through 2024:

- 21  
22 • DEP Underground Injection and Control permit was obtained on May 21, 2008.
- 23 • Construction contracts were required within 180 days or by November 21, 2008;
- 24 • Testing is required within one year and 30 days from issuance of the permit or by  
25 June 21, 2009.
- 26 • The R.O. plant construction is scheduled for completion by December 31, 2009  
27 and the R.O. plant will be operational no later than 2 years and 60 days from the  
28 issuance of the DEP permit or by July 21, 2010.

29 **3. Solid Waste – Policy 801.1**

30 *“Monroe County shall ensure that solid waste collection service and disposal capacity*  
31 *is available to serve development at the adopted level of service standards, concurrent*  
32 *with the impacts of such development. [9J-5.011(2)(b)2]”*

33  
34 Policy 801.1.1 sets the level of service for residential solid waste disposal at 5.44  
35 lb/capita/day.

36  
37 Solid waste will be collected manually on Wisteria, and will be removed via existing  
38 licensed waste haulers. The normal levels of solid waste generation and handling will  
39 be at levels predicted by functional occupancy rates, not maximum capacity. On those  
40 exceptional days where occupancy is higher than normal, the waste hauler is extremely  
41 experienced and responds accordingly. The occupancy levels were predicted using

- 42  
43 i) Potential Capacity Required (based on weighted occupancy): 1,023 **lbs/day**

44  
45 The total capacity required for the residential use of 188 people is:

1 5.44 lbs/capita/day x 188 people = 1,023 lbs/day

2  
3 The proposed amendment potentially results in an occupancy-based daily  
4 solid waste capacity need of 1,023 lbs/day. According to the Monroe  
5 County Public Facilities Capacity Report for 2009, Waste Management  
6 (WM) has more than enough capacity to handle this increase.  
7

8 ii) Potential Capacity Required (based on maximum occupancy): 1,833 lbs/day

9  
10 The total capacity required for the residential use of 337 people is:  
11 5.44 lbs/capita/day x 337 people = 1,830 lbs/day  
12

13 The proposed map designation potentially results in an occupancy-based daily solid  
14 waste capacity need of 1,833 lbs/day. According to the Monroe County Public  
15 Facilities Capacity Report for 2009, Waste Management has more than enough capacity  
16 to handle this increase.  
17

18 Handling Procedure:

19 According to the applicant, solid waste handling will mirror that of Sunset Key. Sunset  
20 contracts with WM for a single compactor for household and restaurant waste, a roll-off  
21 dumpster for yard waste, and a recycling container. Once per week, or as needed, a  
22 WM truck is ferried to the island where it deposits an empty compactor and roll-off  
23 dumpster. The truck retrieves the full units and is ferried back across the harbor. The  
24 truck hauls the trash to Rockland Key, where it is transferred and hauled to the  
25 Mainland.  
26

27 It should be noted that the Sub Area Policy includes a provision that would require the  
28 applicant/owner to obtain any and all necessary approvals for any physical facilities  
29 that are to be constructed within the City of Key West limits prior to any minor or  
30 major conditional use approvals and therefore if the applicant/owner proposes facilities  
31 that impact City of Key West infrastructure, they should address the impacts through  
32 the Key West development review process.

33 Coordination with Key West staff has been initiated to include a Key West  
34 Development Review Committee review of the proposed Sub Area Policy language.  
35

36 **4. Sanitary Sewer – Policy 901.1.1**

37 **Policy 901.1.1**

38 *Monroe County shall ensure that at a the 2 time a development permit is issued,*  
39 *adequate sanitary wastewater treatment and disposal facilities are available to support*  
40 *the development at the adopted level of service standards, concurrent with the impacts*  
41 *of such development. [9J-5.011(2)(c)2]*  
42

43 Permanent Level of Service Standards:

44  
45 *The permanent level of service standards for wastewater treatment in Monroe*  
46 *County are as provided in House Bill 1993 adopted by the 1999 Legislature.*  
47

1 Notwithstanding the existing County Code and State Statutes regarding sanitary  
2 sewer LOS, Monroe County has been working to develop a wastewater LOS.  
3 Monroe County is designing and constructing sanitary sewer facilities in order to  
4 comply with Chapter 99-395 of the Laws of Florida which require construction of  
5 Advanced Wastewater Treatment systems by July 1, 2010. The proposed service  
6 areas for central sewer are based on the results of the Sanitary Wastewater Master  
7 Plan that was completed in June 2000.

8  
9 Given that the County is working with the Florida Department of Community  
10 Affairs to develop an acceptable sanitary sewer LOS, we can apply the proposed  
11 LOS of 145 gallons per capita per day to determine potential capacity requirements  
12 of the zoning map designation.

13  
14 **Total Potential Capacity Required: 54,665 gal/day**

15  
16 i) Potential Capacity Required (residential): 48,865 gal

17  
18 The total capacity required for the residential use with 337 people is:

19  
20  $145 \text{ gal} \times 337 \text{ people/day} = 48,865 \text{ gal/day}$

21  
22 ii) Potential Capacity Required (non-residential): 5,800 gal

23  
24 The total capacity required for the nonresidential use with 40 employees is:

25  
26  $145 \text{ gal} \times 40 \text{ people /day} = 5,800 \text{ gal/day}$

27  
28 The proposed map designation potentially results in a daily sanitary sewer capacity  
29 of 54,665 gal/day.

30  
31 The Richard A. Heyman Environmental Protection Facility advanced waste water  
32 treatment plant has the available capacity to accommodate the potential capacity  
33 resulting from the proposed zoning map designation. The current wastewater  
34 treatment plant has the potential treatment capacity of 10 million gallons per day.  
35 Only 4.8 million gallons per day of capacity are currently utilized<sup>19</sup>. The current  
36 plant has the capacity to supply service to this project's needs.

37  
38 **5. Drainage – 1001.1**

39  
40 *Monroe County shall ensure that at the time a development permit is issued, adequate*  
41 *storm water management facilities are available to support the development at the*  
42 *adopted level of service standards concurrent with the impacts of such development.*  
43 *[9J-5.011(2)(b)1]*

44  
45  
46  

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<sup>19</sup> Per October 14, 2008 memo from Greg Smith, project Manager for CH2M Hill OMI, on an unrelated project.

Water Quality Level of Service Standards - Minimum Water Quality:

All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C., incorporated herein by reference. In addition, all projects shall include an additional 50% of the water quality treatment specified below, which shall be calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD Water Quality Criteria 3.2.2.2):

- a) Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
  - (1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
  - (2) Dry detention volume shall be provided equal to 75 percent of the above amount computed for wet detention.
  - (3) Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention.
- b) Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post-development stormwater run-off will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.
- c) New Development and Redevelopment projects which are exempt from the South Florida Water Management District permitting process shall also meet the requirements of Chapter 40-4 and 40E-40, F.A.C.

**6. Recreation & Open Space - Policy 1201.1.1**

*Monroe County hereby adopts the following level of service standards to achieve Objective 1201.1, and shall use these standards as the basis for determining recreation land and facility capacity:*

*Level of Service Standards for Neighborhood and Community Parks:*

- 1) 0.82 acres per 1000 functional population of passive, resource-based neighborhood and community parks; and
- 2) 0.82 acres per 1000 functional population of activity-based neighborhood and community parks within each of the Upper Keys, Middle Keys, and Lower Keys subareas. [9J-5.014(3)(c)4]

Recreational Level of Service Standards:

Activity	Requirement	Monroe County Pop. (July 2008) <sup>20</sup>	Acres Required	Existing <sup>21</sup>	Complies
Passive Park	0.82 ac/ 1000 people	72, 243	59.24 ac	97.96 ac	Yes
Active Park	0.82 ac/ 1000 people	72,243	59.24 ac	97.96 ac	Yes

Table 1

As demonstrated by the chart above, the County has more than enough additional recreational capacity beyond the adopted level of service for recreational activities potentially required as a result of the proposed zoning map designation.

Even though level of service standards are not triggered by this development, the unique uses anticipated for the surrounding waters of the island and the fact that over 100+ vessels are expected to be moored adjacent to the upland of Wisteria Island, staff has recommended a 2 acre recreational open space be provided for the occupants of the mooring fields, as well as the general public.

## IX PUBLIC AND INTERGOVERNMENTAL COMMENTS

Exhibit D is a letter from the City of Key West which expresses concerns regarding water, sewer, solid waste, transportation, police and parking. County staff is currently coordinating with Key West staff to determine whether the Sub Area Policy is adequate to meet its needs relative to the infrastructure that will be needed to serve the island.

Staff will be attending the Key West Development Review Committee (DRC) on May 27, 2010 to obtain Key West staff comments and to review the policy language to ensure coordination.

## X STAFF RECOMMENDATION

### **Development Review Committee May 25, 2010:**

Approval of the proposed Sub-Area Policy language recommended by Staff, only with and subject to approval of the Mixed Use Commercial (MC) Future Land Use Designation approval.

### **Planning Commission on May 26, 2010:**

Review and discussion of the proposed Sub-Area Policy language recommended by Staff, only with and subject to approval of the Mixed Use Commercial (MC) Future Land Use Designation approval.

<sup>20</sup> From US Census Bureau estimate

<sup>21</sup> Based on "2008 Public Facilities Capacity Report" of Monroe County

Proposed Action: Hold Public Hearing for Wisteria Island Sub Area Policy on June 9, 2010, allowing adequate time for City of Key West Development Review Committee (DRC) to review policy language through intergovernmental coordination efforts.

**Planning Commission on June 9, 2010:**

Approve proposed Sub-Area Policy language recommended by Staff, only with and subject to approval of the Mixed Use Commercial (MC) Future Land Use Designation approval.

**XI EXHIBITS**

- A. FLUM Map
- B. Proposed Sub Area Policy proposed by the Applicant
- C. Proposed Sub Area Policy recommended by Staff
- D. Staff Recommended Changes to the Applicant's Proposed Sub Area Policy
- E. Letter from the City of Key West

**Exhibit D - Staff Recommended Changes to the Applicants Proposed Sub Area Policy**

Items to be discussed relative to Applicant proposed policy language and staff supported policy language:

“Proposed Sub-Area Policy Wisteria Island Owner/Applicant Requested Policy, as amended by Monroe County Staff”

1. Page 1 of 7
  - a. Addition of indication island cannot be bird rookery
  - b. Addition of “and” under Objective 107.1 (1)
2. Page 2 of 7
  - a. Addition of Goal 207 for Wisteria to further the intent of provision to allow transfer of units from existing units within the lower keys to Wisteria Island
3. Page 3 of 7 – administrative in nature
4. Page 4 of 7
  - a. Provisions related to 10 percent of mooring slips being reserved for general public, short term mooring
  - b. Provisions related to no vessel size limitation
  - c. Provision to prohibit floating structures
  - d. Provisions that all liveaboards meet Florida Keys National Marine Sanctuary (FKNMS) federal requirements No Discharge Zone
5. Page 5 of 7
  - a. Requirement to remove all exotics from island, not just exotics from upland development areas



- 1 b. Requirement to sprinkler all buildings, not just those  
2 buildings that are habitable (also on page 6 of 7)  
3  
4

5 6. Page 6 of 7

- 6 a. Clarification for impacts to be avoided and minimized for all  
7 wetlands on site  
8 b. Clarification that only accessory structures are to be  
9 constructed within wetlands  
10 c. Requirement for 2 acre recreational open space to be  
11 reserved on island vs. 1.6 acre open space as agreed to by  
12 applicant.  
13 i. All space to be open, except restroom facility  
14 ii. Open to general public as well, not just mooring ball  
15 occupants

16 7. Page 7 of 7

- 17 a. Addition of provision of water, sewer, and solid waste to be  
18 constructed by owner of Wisteria at owners expense  
19 b. Addition of provision that all approvals and permits by  
20 service providers shall be granted prior to application for  
21 minor or major conditional use for upland development  
22 permitted within this policy.